

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE CITY OF NEW YORK,

Plaintiff,

-against-

ARM OR ALLY, LLC, RAINIER ARMS, LLC, INDEX NO. 22-CV-05525 (JMF)  
SALVO TECHNOLOGIES, INC. D/B/A “80P  
BUILDER,” ROCK SLIDE USA, LLC, AND  
INDIE GUNS, LLC,

Defendants.

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**JESSE M. FURMAN, UNITED STATES DISTRICT JUDGE:**

**WHEREAS**, on February 1, 2023, plaintiff the City of New York (“City”) filed a motion (“Motion”) against defendant Indie Guns, LLC (“Indie Guns”) for an Order pursuant to Rule 55 and 65 of the Federal Rules of Civil Procedure: (1) striking Indie Guns’ Answer and entering a certificate of default against Indie Guns; (2) entering a judgment of default against Indie Guns; (3) permanently enjoining Indie Guns from selling and delivering into New York City “ghost guns,” “80% receivers or frames,” “unfinished frames or receivers,” unserialized “receivers” or “frames,” or any kits or collections of “unfinished” or unserialized gun parts that can be assembled into a firearm; (4) ordering Indie Guns to preserve and turn over to the City any and all records of each sale and/or shipment of the foregoing products to a New York City address or to a person with a New York City billing address and (5) granting the City such other and further relief as the Court deems just and proper;

**WHEREAS** the Court, having considered the Motion and the documents filed therewith, as well as all other papers and proceedings in this action, finds good cause to grant the Motion against Indie Guns because:

1. Indie Guns, a limited liability company, defaulted in this action by willfully failing to timely appear through counsel, as ordered by the Court on December 19, 2022 [ECF No. 87];
2. The uncontroverted allegations of the Amended Complaint [ECF No. 30] establish Indie Guns' liability under the New York General Business Law ("GBL") §§ 898-*a et seq.*, which provides a claim for a public nuisance arising out of the conduct of gun industry members whose practices create public harm through unlawful or unreasonable conduct, and for common law public nuisance; and
3. Absent a permanent injunction, the City will be prejudiced.

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to Federal Rules of Civil Procedure 55(a) and 65, that

1. The Motion is **GRANTED**.
2. Indie Guns' Answer is struck and a Certificate of Default and Judgment of Default Entered.
3. Defendant Indie Guns is **PERMANENTLY RESTRAINED AND ENJOINED** from:

- a. Selling or otherwise disposing of any unfinished and/or unserialized frame or receiver to any individual attempting to order any unfinished and/or unserialized frame or receiver with: 1) a

billing address in New York City, and/or 2) a shipping address in New York City; and

- b. Shipping, causing to ship, delivering or causing to deliver any unfinished and/or unserialized frame or receiver to any address located within New York City.

If appropriate, Indie Guns may move, through counsel, to modify or vacate the permanent injunction once the Court has ruled on any motions to dismiss in the parallel case, *State v. Arm or Ally, LLC*, 22-CV-6124.

4. Defendant Indie Guns is **ORDERED** to retain, preserve and, within 30

days of this Order, provide to the City:

- a. all documents in the possession, custody or control of Indie Guns and/or its members which evidence any sale or other disposal of any unfinished and/or unserialized frame or receiver to any individual with a billing or shipping address in New York City or delivery of the same to a New York City address between June 29, 2017 and the date of this Order; and
- b. all identifying information about any purchaser and/or recipient of any unfinished frame or receiver from Indie Guns described in paragraph 2a above, whether contained in the documents described in paragraph 2a, or otherwise retained or retrievable by Indie Guns through forensic means.

The City shall not publicize or otherwise publicly disclose such documents and/or identifying information. The City may make such documents and/or identifying information available to any City agency, including the New York City Police Department and the Office of the Sheriff. The City, including all of its agencies, shall treat such documents and/or identifying information as law-enforcement sensitive material. And to the extent the City receives a request for such documents and/or identifying information pursuant to New York's Freedom of Information Law ("FOIL"), it shall respond to such request no differently than it responds to other FOIL requests for law-enforcement sensitive materials.

5. Any failure to comply with the terms of this Order shall constitute

contempt of court and may subject Indie Guns to monetary or other penalties.

6. The Court retains jurisdiction over this action in order to enforce this

Order.

7. “Dispose” means to dispose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer and/or otherwise dispose of.

8. A “frame” or “receiver” is (1) part of a firearm, rifle, shotgun or assault weapon that provides housing for the hammer, bolt or breechblock, and firing mechanism, and that is usually threaded at its forward portion to receive the barrel; and/or (2) a frame or receiver as defined in City, New York State or Federal law or regulation.


9. “Serialized” means bearing a visible identification number and/or symbol in accordance with the requirements imposed on licensed importers and licensed manufacturers pursuant to subsection (i) of Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto.

10. “Unserialized” means not bearing a visible identification number and/or symbol in accordance with the requirements imposed on licensed importers and licensed manufacturers pursuant to subsection (i) of Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto.

11. An “unfinished frame or receiver” is (a) a piece of material that does not at present constitute the frame or receiver of a firearm, rifle, shotgun, or assault weapon, but that has been shaped or formed in any way so as to become a frame or receiver of a firearm, rifle, shotgun, or assault weapon by modification by the user (by milling, drilling, or other means), and that is not serialized; and/or (b) a “ghost gun”; “80% receiver or frame”; or any kit or collection of unfinished and/or unserialized gun parts that can be assembled into a firearm.

The Clerk of Court is directed to terminate ECF No. 88, to enter judgment consistent with this Order, and to close the case.

DATED: March 27, 2023

  
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THE HONORABLE JESSE M. FURMAN  
UNITED STATES DISTRICT JUDGE